

MONTANA BOARD OF HORSE RACING MEETING  
MARCH 8, 2007 – 4:30 P.M.  
CONFERENCE CALL

Unapproved Minutes

**ATTENDANCE:**

Brenda Koch	Chairman	Bob Brastrup	Vice-chairman
Sue Austin	Board Member	Al Carruthers	Board Member
Jay Clark	Board Member	Mike Tatsey	Board Member
Mary Ogdahl	Board Member	Sam Murfitt	Executive Secretary
Carol Grell Morris	Legal Counsel	Marlys Stark	Administrative Assistant

**PUBLIC IN ATTENDANCE:**

Ben Carlson, Lou Wojciechowski, Bill Ogg, Bob Allen, Don Richard, Peggy Buffington

**CALLED TO ORDER:**

Chairman Koch called the meeting to order at 4:37 p.m.

**MINUTES:**

**Upon motion regularly made and carried, the minutes of the previous meeting were approved and ordered filed with the permanent records of the Board.**

**PROPOSAL OF MATCH BRONC RULES FOR HB333:**

HB333 was brought before the 2007 Montana Legislature to enable parimutuel wagering on match bronc rides and wild horse races. The bill will be signed into law by the Governor shortly. The bill has an immediate effective date and therefore upon the Governor's signature, rules need to be proposed for adoption quickly if Miles City is to be able to include parimutuel wagering on match bronc rides at their 2007 Bucking Horse Sale.

Rules have already been drafted in anticipation of passage of HB 333. Due to time constraints imposed by Montana Administrative Procedures Act (MAPA) rule-making procedures, the proposed rules must be filed with the Secretary of State's office on March 12, 2007 to allow enough time for public comment and ultimate rule adoption before the May Bucking Horse Sale dates.

**Member Carruthers made a motion, seconded by Member Clark that the Board propose rules to the public in regard to parimutuel wagering on match bronc rides, such proposal would be contingent on HB333 being signed into law by the Governor. The motion carried.**

**UPDATE ON JOCKEY INSURANCE:**

Track representatives from Miles City, Great Falls and Billings were asked to briefly describe what their track is anticipating in regard to the increased cost of jockey insurance.

Don Richard of Miles City Bucking Horse Sale race meet stated that they would be running. Their best quote to date was from K & K and was for around \$7,100 per day. They are still discussing the issue and looking at other options including running without insurance.

Bill Ogg of Great Falls State Fair race meet stated the best quote they have is around \$4,900 per race day.

Ben Carlson of Yellowstone Downs race meet said their best quote is a little over \$7,800 per day with a \$5,000 deductible. They are also looking at other options, including a higher deductible. They hope to have a definite answer by mid April. They may drop a couple of days or add two or three, depending on available money, legislation, insurance and so on. MetraPark has scheduled another event for the last weekend of September so they only have Labor Day weekend and the weekend of September 22<sup>nd</sup> and 23<sup>rd</sup> available to add dates. Due to other events at MetraPark they can not add any at the beginning of their meet.

**Member Carruthers made a motion that the rest of the agenda be postponed until the next face to face meeting. The motion died for lack of a second.**

#### **WESTERN MONTANA FAIR RACE DATES:**

Executive Secretary Murfitt presented Western Montana Fair's written notification that it has relinquished all 2007 race dates. Western Montana Fair had approximately \$22,000 in their purse fund. No cash carryover exists. Unclaimed ticket money cannot be requested for return by the Board as per a previous District Court decision on the question.

#### **STATE FAIR GREAT FALLS RACE MEET DISCUSSION/UPDATE:**

Bill Ogg, Director of Racing from the State Fair Race Meet in Great Falls and Bob Allen from Calgary were on the conference call.

Bill Ogg said there is currently no signed contract or agreement with Bob Allen but they have reached a verbal agreement to allow Mr. Allen's operation to assume the liability and responsibility for racing in Great Falls and Mr. Allen would be the Director of Racing. This would not be in the nature of hiring Mr. Allen to manage the meet but would rather be allowing the dates to be transferred to him. He felt the Cascade County Commissioners would have dropped racing in Great Falls if this option had not been chosen. For the county it would work like a standard lease of the facility and Bob Allen then would be the actual entity with the race meet.

Legal Counsel explained that by both statute and rule, race dates are not transferable. The procedure would have to be Great Falls actually sending in a date relinquishment at which time other applicants would be allowed to apply for those dates.

After some discussion, the Board agreed State Fair Race Meet would need to send in a relinquishment of all dates before any other applications could be considered for those dates. The Board will schedule a face to

face meeting to review the information and discuss the issue.

**Member Carruthers made a motion that the Board holds a meeting as soon as possible after all information is received, including the relinquishment from Great Falls and other date applications. Member Austin seconded the motion and the motion carried.**

After some discussion, the Board decided to have a meeting in Helena at 1:00 p.m. on March 19, 2007. Mr. Ogg and Mr. Allen were both requested to make sure that all pertinent information had been received in the Board office no later than March 14, 2007 in order to allow time to have the materials sent to the members for their review. In addition, Mr. Ogg and Mr. Allen were both requested to attend the meeting.

#### **MILES CITY ADDITIONAL DATE APPLICATION:**

An application for additional dates was received from Miles City. Those dates were contingent on both Great Falls and Missoula dropping their dates as well as the EPP money being available for this year since money is the primary factor. Since two of those things have not occurred at this time, the matter was tabled.

#### **OTHER BUSINESS:**

The Executive Secretary briefly summarized 2007 legislation which affects the Board.

- HB333 (parimutuel wagering on match bronc riding) was discussed earlier.

- HB502 (percent of video gambling tax) had a hearing in the House in February and no action has been taken since then.

- HB390 (advance deposit account wagering) went sent back to the House Appropriations Committee in early February and a hearing before that committee has been scheduled for March 12, 2007.

- HB616 (parimutuel wagering on fantasy sports) went through the House and was sent to the Senate. No hearing has yet been scheduled in the Senate.

- SB359 (board reorganization and move to Department of Agriculture) went through the Senate and was sent to the House in February where no action has been taken yet.

- The EPP bill has been moved from HB2 to HB805. A hearing was held on March 5, 2007, and it looks like it will probably be passed. Clarification of the EPP bill was given. The funding has been presented as being a way to provide better regulation by the Board and would have the benefit of freeing up some regulation cost for the track to use for insurance or whatever they needed.

Member Carruthers attended the AQHA convention in Houston this year where he successfully petitioned the council to transfer the \$10,000 grant for quarter horse racing that had been given to Western Montana Fair earlier to the Yellowstone Downs race meet. The Executive Secretary pointed out that Member Carruthers was on Board business and therefore should receive some financial reimbursement.

**Member Clark made a motion which was seconded by Member Austin that Member Carruthers be reimbursed for his expenses for the meeting. The motion carried.**

#### **PUBLIC COMMENT:**

**In accordance with Mont. Code Ann. § 2-3-103, the meeting was opened for public comment at this**

**time. Chairman Koch read the open forum statement and the public was informed that they could have a short time for comment but that no action could be taken on any issue at this time.**

Comment was received from Bob Allen in the form of inquiring exactly what information the Board would need from him in regards to his financial responsibility. He was told the information asked for on the application as well as an updated business plan and he should be prepared to defend that plan.

Ben Carlson stated Great Falls only had seven days originally given to them and Bob Allen is indicating that he will apply for ten days total.

#### **ELECTION OF CHAIRMAN FOR 2007:**

**Member Clark nominated Member Brastrup to the position of Chairman of the Board for 2007. The nomination was seconded by Member Tatsey and the motion carried.**

#### **ADJOURNMENT:**

The meeting adjourned at 6:09 p.m.

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Signature

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Date